

RULES OF PROCEDURE TO GOVERN 2014-2016 TOWN COUNCIL

WESTERLY, RHODE ISLAND

Rule 1 **Incorporation of Charter Provisions**

All requirements of the Charter with respect to the proceedings of the Council are to be strictly followed and no rules shall ever be adopted by the Council which shall be in conflict with any Charter requirement respecting such proceedings.

Rule 2 **Duties of the President and Responsibilities and Temporary Vacancy of Position**

(a) The Chairperson having the title of President shall preside at all meetings of the Council and, at the stated hour upon the appearance of a quorum, shall call the Councilors to order.

(b) In the absence of a quorum the President shall declare the meetings adjourned to a future date.

In the absence of the President, the Vice President (who shall be Chairperson during the absence of the President) shall call the Councilors to order. In the event that both the President and Vice President are absent the appointments liaison shall be President pro tem for that meeting only.

In the absence of the President and all other Councilors, the Town Clerk shall declare the meeting adjourned to a future date and make such record in the Journal of the Council.

(c) It shall be the duty of the President to preserve order and require procedure in accordance with the rules, to recognize and grant the floor to Councilors wishing to speak, and declare all votes.

When a voice vote is not unanimous, the vote of each member shall be recorded. If any doubt exists, the Town Clerk shall so state and a roll call vote shall be held.

In the event a Council member recuses himself/herself on a particular matter, that Councilor need not leave the room or his/her seat provided the Council is conducting an open meeting but must state his/her reason for recusing. However, if the Council is in Executive Session, then a Council member upon recusing for a particular matter must leave the room while that matter is under consideration.

(d) The President may speak on and shall decide questions of order, subject to appeal to the Council by motion regularly seconded.

Such appeals to the Council upon questions of order shall have precedence and be debatable and no other business shall be in order until the question appealed shall have been decided.

- (e) "Robert's Rules of Order" as amended or revised shall govern questions of order and procedure in cases not provided for in these rules.
- (f) The President shall have the right to appoint himself/herself a member of any Committee and shall be a voting member ex-officio of all committees.
- (g) Council business requiring Committee review shall be referred to the Committee of the Whole by the President at each regular meeting.

Rule 3 **Order of Business and Agenda**

- (a) The regular order of business shall be as follows, unless altered by vote of the Council:
 - (1) Roll Call, Prayer, Salute to the Flag
 - (2) Recognitions, Awards and Memorials
 - (3) Presentations
 - (4) Citizens Comments/Councilors' Response
(Citizens comments in this portion of the meeting shall only address matters that are on this agenda and matters that have been discussed at the preceding workshop. Any Councilor may respond to an individual citizen's comments, but only after that citizen has concluded his/her comments. To the extent that the comments are related to a matter scheduled for public hearing, those comments shall be deferred to the public hearing.)
 - (5) Consent Calendar –
(Items in this category are considered to be routine and will be enacted by one motion. There is no separate discussion of these items unless a Councilor so requests, in which event the item will be moved to "New Business for discussion and consideration.)
 - a. Approval of Minutes
 - b. Fiscal Matters
 - c. Appointments and Resignations
 - (6) Public Hearings
 - (7) New Business
 - (8) Unfinished Business
 - (9) Communications & Reports
 - a. Liaison Reports
 - b. Town Council
 - c. Town Manager
 - d. Town Solicitor
 - e. Town Clerk
 - f. Agenda Referrals *(Items to be assigned to future agendas)*
 - (10) Citizens Comments/Councilors' Response
(Citizens comments in this portion of the meeting need not be limited to matters on the agenda. For comments that address matters not on the agenda, Councilors should refrain from responding but may discuss at a future Council meeting when properly posted.)
 - (11) Adjournment

- (b) Agenda: Only items reviewed by the Committee of the Whole shall appear on the agenda. Action on any other items shall require suspension of the rules in accordance with Rule 12 (b).
- (c) All matters which members of the public wish to have placed on the agenda for a Town Council meeting must be submitted to the Town Clerk by 4:00 p.m. on the Wednesday preceding the Council meeting. NOTE: This does not preclude the Council voting to add items to the agenda for informational purposes only or to refer them to an appropriate committee.

Rule 4 **Rules of Order: Motions**

- (a) Motions shall be reduced to writing when not understood by the members of the Council, Town Solicitor, or the Town Clerk.
- (b) Any motion or question under debate which consists of two or more independent propositions shall be divided if so directed by the President or if requested by any Councilor.

Rule 5 **Rules of Order: Precedence**

1. Fix the time to which to adjourn
2. Adjourn
3. Recess
4. Raise a question of privilege
5. Call for the orders of the day
6. Lay on the table
7. Previous question
8. Limit or extend limits of debate
9. Postpone to a certain time (definitely)
10. Commit (Refer to a committee)
11. Amend
12. Postpone indefinitely
13. Main motion

Rule 6 **Rules of Order: Conduct of Debate**

- (a) Councilors shall confine their remarks in debate to the pending question.
- (b) Councilors shall not speak more than once upon any question until other members who wish to speak shall have relinquished the floor.
- (c) Councilors shall address the Chair and be recognized before obtaining the floor to speak or to address any other Councilor, non-Councilor or citizen.
- (d) No Councilor shall address the Chair or demand the floor while any vote is being taken except for a point of order.
- (e) The Council may, by majority vote of those present, limit remarks of all Councilors to a reasonable length of time in debating a particular subject.
- (f) Procedure for Executive Sessions shall follow Chapter 42-46-5 of the Rhode Island Open Meetings Law.

Rule 7**Liaisons**

- (a) There shall be the following Liaison Representatives of this Council:
(Council members who are liaisons to municipal or community organizations and boards shall not be a voting member of those boards unless specifically authorized by the Town Council.)

Affordable Housing Plan Committee
Alternate Energy Study Committee
Appointments
Basic Needs Network/WARM Shelter
Beach Protection Study Committee
Bradford Citizens Group/McGowans Corners Neighborhood Association
Comprehensive Plan Citizens Advisory Committee
Concerts on the Beach
Chamber of Commerce
Communications (Cox, WBLQ, Sound System)
Community Development Block Grants (CDBG)
Conservation Commission
Consolidation Committee
Double Poles
Downtown Business Association
Economic Development Commission
The Greater North End Community Development, Inc./White Rock
Housing Authority
Municipal Land Trust
Nursing Homes
Permanent Neighbor Day Committee
Plan B Committee
Police Reserves/Public Safety
Public Works Department
Recreation
Buildings & Grounds
Senior Citizens
Stand Up For Animals
Washington County Regional Planning Council
Westerly Armory Restoration (WAR)
Westerly Public Library – Member of Board Trustees
Westerly Substance Abuse Task Force
Wilcox East Neighborhood Association

- (b) The President shall appoint members of the Council to such posts.

Rule 8**Appointments**

- (a) NOTICE – Vacancies are announced at Council meetings and are listed on Council agendas which are advertised in local newspaper and posted on town website.
- (b) APPLICATIONS – Persons interested in serving on a Board, Commission or Committee should complete a standard application. Applications will be kept on file for consideration through the term of the current Council and will be posted on the Town's website pending appointment. Persons

interested in being re-appointed to a Board, Commission or Committee must submit a letter of interest to the Council. Council should give first consideration to alternate members for elevation to full membership on Boards, Commissions and Committees when a vacancy occurs if an alternate member submits a letter to the Council of his interest in being elevated to said vacant position.

- (c) APPLICATION REVIEW PROCESS – Council liaisons to review applications and may conduct an interview with each applicant before bringing forth a recommendation to the full Council. If the Council liaisons cannot bring forth a recommendation, then the Council may conduct an interview with each applicant.
- (d) PRESENTATION – Only individuals who have filed an application with the Town Clerk may be nominated. All applicants will be announced prior to a vote.
- (e) ORIENTATION – Newly appointed board members to schedule an orientation with the appropriate Town department head.
- (f) RESIDENCY REQUIREMENT – Persons serving on all Boards, Commission and Committees must be residents and qualified to vote in the Town of Westerly.
- (g) REMOVAL – Members of the Board of Finance and Licensing Board shall be subject to removal by the Town Council for cause, which shall include, but not be limited to, the requirement that members shall not be absent without justifiable reason from any two meetings within a twelve-month period. Members of the Zoning Board of Review shall be subject to removal pursuant to §260-24(A)(3) of the Zoning Ordinance. Members of the Planning Board shall be subject to removal pursuant to §5-19(C) of the Code of Ordinances.
- (h) INTERVIEWS – Interviews should be conducted for the positions of Town Solicitor and Assistant Solicitors, Municipal Court Judge, Probate Judge and Town Sergeant.

Rule 9 **Committee and Council Operations**

The Town Council adds the following requirements for agenda items for town council meetings as follows, per requirements of the Open Meetings Law:

1. Town Council meetings are scheduled on Mondays in accordance with the schedule of Town Council meetings adopted annually by the Town Council.
2. Emergency meetings may be held with an affirmative vote of the majority of the members of the Town Council when said meetings are deemed necessary when the public welfare so requires.
3. The Committee of the Whole shall consider matters referred to it by the President and Town Manager. All items to be placed on a future agenda for the Committee of the Whole or Town Council Meeting must receive a request of least two Council members before being placed on the

agenda. Any emergency items that are placed on the agenda must receive a majority vote of the Council before being heard. The Committee of the Whole shall report to the Council, in writing, relative to all such matters.

4. Any matter which is tabled by the Council at a Town Council Meeting and which is not assigned to a specific subsequent meeting will not appear on a subsequent agenda unless first assigned by a majority vote of the Council. Such matters will be placed on the Council Action Items Report.
5. Committee of the Whole reports shall contain the date and place of the meeting, the names of members present, and the fact that a quorum was or was not present, and a record of any votes taken. A summary of discussion will also be included.
6. Upon receipt of a Committee of the Whole report, in writing, there shall be no vote to accept unless a resolution or appropriate action is made by a Councilor.
7. The Committee of the Whole will cause to be submitted resolutions or ordinances when necessary to carry out their recommendations.
8. Only resolutions or ordinances, the substance of which has been considered favorably by the Committee of the Whole, shall be reported to the Council for action.
9. Any subject matter which will result in a proposed ordinance shall, upon a majority vote of the Council, be referred to the Committee of the Whole.

Rule 10

Clerk of the Council

- (a) The Clerk of the Council shall be the custodian of all the papers, correspondence and records of the Council and shall keep the Journal of its proceedings, which shall record votes passed by the Council and reasons for said vote if any. All other details of said proceedings shall be available on the video record of the meeting, which shall be noted by the Clerk on all minutes. The Clerk shall record the proceedings of Executive Sessions and shall keep an audio record of said proceedings.
- (b) In the event the Clerk or Deputy Clerk is not present at the time the President calls a meeting to order, the President shall appoint a Clerk Pro Tem to keep the minutes of the meeting and to file same in the office of the Town Clerk.

Rule 11

Citizens Comments

- (a) The regular order of business may provide for persons wishing to be heard. A citizen's call may be presented orally or in writing. All presentations by citizens under this rule shall be limited to fifteen (15) minutes per speaker until all citizens wishing to speak have had a turn addressing the Council. Fifteen (15) minutes is the allotted time for citizens' comments per presenter, but, if there is no other person wishing to speak, the Council shall take a poll vote to allow the speaker an additional five (5) minutes.

- (b) During a Regular Meeting, there shall be two opportunities for Citizens' Comments. The first Citizens' Comments shall be restricted to agenda items only, as well as matters that have been discussed at the preceding workshop. If the matter is scheduled for a public hearing, the comments shall be deferred to that agenda item. The second Citizens' Comments need not be restricted to agenda items, but Councilors should refrain from responding, commenting or taking any vote or action on the comment, until the matter is properly posted at a future meeting.
- (c) All citizen's inquiries, questions and petitions shall be acknowledged by the President, or Councilors through the President, or by the administration in their behalf.
- (d) When addressing the Council, citizens should state their name and address and should conduct themselves in an orderly and respectful fashion.
- (e) If any member of the Council seeks the floor to respond to any comment made by a citizen during the meeting, and is so recognized by the Chair, the agenda will be deemed to be amended by unanimous consent. The amendment will be for informational/discussion purposes only on that item or items raised by the citizen and the clerk shall so note. If an objection is raised by another member, a motion and majority vote shall be required to amend the agenda.

Rule 12 **Changes to the Rules of Council**

- (a) The rules of the Council, excepting Rule 1, may be altered or extended or repealed by a majority vote of all of the Councilors at any meeting of the Council, provided descriptive notice of the proposed changes shall have been given in writing at a preceding Town Council meeting.
- (b) Any single rule may be suspended for the proceedings of any meeting of the Council upon majority vote of the Councilors present, which vote shall specifically refer to the rule which is to be suspended and state for what purpose the rule is to be suspended.

Rule 13 **Meetings of the Council**

- (a) Regular meetings shall be held at 7:00 p.m. on the first and third Mondays of each month, or at such other time as determined by a vote of this Council. There shall be an 11:00 p.m. curfew, which may be lifted by a majority vote of the Council if an item warrants continued discussion.
- (b) Committee of the Whole meetings shall be held prior to each regular meeting or at such other time as determined by a vote of this Council.
- (c) Emergency or Special Meetings of the Town Council may be called by the President. Emergency or Special Meetings of the Town Council shall be called by the Town Clerk at the written request of four (4) Council Members.

Rule 14 **Public Hearings/General**

- (a) The Council will conduct public hearings to consider the following matters:

- 1) Zone Change Applications
 - 2) Proposed Ordinances
 - 3) General Information Hearings
 - 4) Others
- (b) Members of the public who wish to address the Council at a public hearing, may notify the Council by signing a sheet which will be available at the Town Clerk's Office until 4:00 p.m. on the day of the hearing and outside of the Council Chambers just prior to the Council meeting.
- (c) The application of these rules to public hearings shall supersede any other rule or rules pertaining to public participation.
- (d) Public hearings are held for the primary purpose of allowing the public an opportunity to hear relevant information, as it is presented to the Council, in an open forum. Such information is presented in order to facilitate the decision making process.

Members of the public will be given the opportunity to address the Council as to their support for or opposition to the proposition before the Council. In the interest of completing all agenda items within the time permitted by curfew, hearing participants shall be required to prepare their remarks in such a way as to conform to the time allowances prescribed by these rules.

Rule 15 Zone Change Applications

- (a) Opening Statement: The applicant or his/her representative will be allowed fifteen (15) minutes to present an opening statement.
- (b) The applicant may then present witnesses. Following direct examination of each witness presented by the applicant, the witness may be cross-examined by members of the Council, the Manager and the Solicitor.
- (c) At the conclusion of the applicant's presentation, members of the public shall be permitted a reasonable length of time to speak in support of or in opposition to the application.
- (d) Pursuant to the public comment period, the Solicitor shall make recommendations to the chair as to whether the speaker's comments are relevant. Comments which, in the opinion of the Solicitor, are not relevant to the matter at hand, shall not be permitted.
- (e) Council members may question the applicant or the speakers at any time during the proceedings.
- (f) Closing arguments by the applicant shall be limited to fifteen (15) minutes at which time the applicant may rebut and/or respond to comments and/or questions made by members of the public.
- (g) At the request of the applicant or his/her representative, the Solicitor shall advise the Council of the weight to be given to evidence presented by members of the public.

- (h) Decisions will be made within 45 days after the date of completion of the public hearing.
- (i) Any request for a withdrawal of or a continuance of a public hearing on an application must be received in writing by the Town Clerk's Office no later than 12 noon on the Friday prior to the public hearing. Failure to comply with the aforesaid provision shall deem the application to be withdrawn.

Rule 16 **Proposed Ordinances**

- (a) The Manager, Solicitor, Town Clerk, and/or proposing Councilor shall briefly summarize the proposed ordinance and its effects.
- (b) Members of the public who have notified the Council of their intention to speak may speak either in support of or in opposition to the ordinance, but said comments shall be limited to a reasonable length of time.
- (c) The Council will then deliberate over the proposal, pursuant to Rule 6.

Rule 17 **General Informational Hearings**

- (a) At the determination of the Council, general informational hearings will be held from time to time to present proposed municipal initiatives and/or to clarify municipal undertakings.
- (b) The Manager and/or his/her delegate(s) will be permitted a reasonable length of time to present supporting information to the public.
- (c) At the conclusion of the proponents presentation, members of the public may address the Council for a reasonable length of time and may speak in support of or in opposition to the proposal.

Rule 18 **Others**

- (a) Opening Statement: The applicant will be allowed fifteen (15) minutes to present an opening statement.
- (b) Following the opening statement, members of the Council, the Manager and the Solicitor may question the applicant.
- (c) Members of the public who have notified the Council of their intention to speak may then address the Council for a reasonable length of time and may speak in support of or in opposition to the application.

These rules of procedure were adopted at a meeting of the Town Council held on: January 12, 2015, August 17, 2015, November 9, 2015, February 22, 2016 and March 21, 2016.